

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES of AMERICA,

v.

Case No. 1:17-cr-10269 WGY

REGINALD ABRAHAM,
Defendant.

DEFENDANT'S AFFIDAVIT

Affiant, being sworn according to law, deposes and says
under penalties of perjury as follows:

1. My name is Reginald Abraham and I am the defendant in this criminal case. I make this affidavit upon personal knowledge and offer it in support of my motion to suppress all evidence obtained in the warrantless search of my grey Honda automobile by government agents on September 6, 2017. I respectfully request that the Court suppress all evidence obtained or derived from this search as fruits of the poisonous tree.

2. On September 6, 2017, I had sole possession and exclusive use of a grey Honda four-door sedan, registration no. 6ND 586, with the agreement and consent of its registered owner, Uni Auto Rental Inc. of 369 Salem Street in Malden, Massachusetts. I drove this as a personal vehicle for my own use and, on September 6, 2017, no other person had a right or claim to use or possess the grey Honda. I did not invite any other person or give any person the right to possess or use the

said grey Honda sedan. The said Honda showed current registration and inspection stickers and was in all respects lawful to operate on Massachusetts public roads. The car showed no damage or defects that would make it unsafe to drive.

3. At about 4:30 in the afternoon of September 6, 2017, I got into the said grey Honda alone and drove off the premises of 369 Salem Street in Malden onto Salem Street. I drove along Salem Street with the flow of traffic and in a manner that did not violate the laws of the Commonwealth.

4. Within minutes, agents signaled me to stop, took me out of the grey Honda and placed me under arrest in one of the agent's vehicles before taking control of my car. I was fully compliant with the agents' commands and did nothing to make them fear for their safety or think that I might flee. I had no weapons or dangerous objects on my person or in the Honda. Agents did not claim any reason for stopping or arresting me other than a warrant for my arrest. One agent drove my grey Honda off Salem Street and into the parking lot of a funeral home.

5. At no time did I in any way communicate by any means to agents that they had my permission or assent to operate or search any part my grey Honda or its contents.

6. Prior to the agents' search, the trunk of the Honda was latched fully closed. It contained many objects in boxes.

7. There were containers such as cardboard boxes in the back seat of the car not within my reach and objects underneath them not visible unless these containers were moved. The glove compartment was closed. There also documents and other objects fully enclosed in envelopes and not generally visible without opening the envelopes.

8. The agents went into the passenger compartment and opened and searched the glove box, storage compartments and containers of all kinds, removing their contents. The agents opened the trunk and the boxes within it removing all their contents. The agents removed and opened boxes, bags and envelopes and removed their contents as well.

9. In all the time of my arrest and search of the Honda through my transportation to detention, I could ascertain no public emergency or threat to public safety.

Sworn and subscribed under penalties of perjury this ____ day of April, 2019.



REGINALD ABRAHAM, Defendant

CERTIFICATE OF SERVICE

Counsel certifies that he has caused a true copy of this affidavit to be served today through the CM/ECF system of this District on the attorneys for all the parties as set forth in the Notice of Electronic Filing and that no party requires service by other means

s/Kevin L. Barron